

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:21-cv-00168-MR  
CRIMINAL CASE NO. 1:19-cr-00087-MR-WCM-2**

**KRISTOFF MICHAEL HUNTER,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**ORDER**

**THIS MATTER** is before the Court on Petitioner’s *pro se* “Motion for an Extension of Time to File a Response to the Government’s Reply Motion to Vacate Set Aside or Correct Sentence” [Doc. 4].

Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, contending solely that counsel provided ineffective assistance for failing to file a notice of appeal pursuant to his express instruction to do so. [Doc. 1]. The Government filed a Response conceding that relief should be granted. [Doc. 3]. On September 21, 2021, the Court granted the Motion to Vacate and instructed the Clerk to prepare an Amended Judgment so that the Petitioner will have the opportunity to prosecute a direct appeal. [Doc. 5].

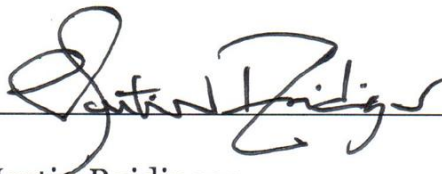
Petitioner requests a 30-day extension of time in which to reply to the Government's Response so that he can supplement the record with evidence and affidavits that "would substantiate the 'granting' of Petitioner's timely filed § 2255-motion." [Doc. 4 at 2].

The Petitioner has already been granted the § 2255 relief he sought and, accordingly, the instant Motion is denied as moot.

**IT IS, THEREFORE, ORDERED** that Petitioner's "Motion for an Extension of Time to File a Response to the Government's Reply Motion to Vacate Set Aside or Correct Sentence" [Doc. 4] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: September 22, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

